

## **REMARKS**

As of the 28 February 2008 *Final Office Action*, Claims 46-53 are pending and rejected. Applicant thanks the Examiner with appreciation for the careful consideration and examination given to the Application.

Applicant files this response solely to facilitate prosecution. As such, Applicant reserves the right to pursue claims of broader or similar scope as originally filed herein, in a continuation application, or other application after allowance. Applicant does not concede that the current or past rejections are correct (including any parent case rejections) and reserves the right to challenge such rejections later in prosecution or on appeal. Accordingly, any amendment, argument, or claim cancellation herein or in a parent case is not to be construed as abandonment or disclaimer of subject matter.

Applicant respectfully asserts that the pending claims are in allowable condition and requests reconsideration of the rejection for the following reasons:

### **I. The Pending Claims Are Patentable Over The Cited References**

Claims 46 and 50 are rejected as being unpatentable over the SMART Board Product Manual, May 1998 (the “Manual”) under 35 U.S.C. § 103(a).

Claims 46 and 50 recite projecting a calibration image onto a whiteboard directly after the calibration process has been initiated at a location distant the computer. The Manual, however, does not disclose this feature. The orientation process described in the Manual requires Steps 2-4 to be completed after SMART Board orientation is selected in Step 1 and the orientation image is displayed on the screen in Step 5. (Manual, Pgs. 27-28).

The Examiner asserts that it would have been obvious to eliminate three of the six steps of the orientation process disclosed in the Manual. Specifically, the Examiner asserts it would have been obvious to eliminate Steps 2-4 of the Manual by providing a single, default orientation level so that displaying the image in Step 5 occurs directly after orientation is selected in Step 1. The Examiner suggests that eliminating these steps would have been obvious, because it would obviate the need for a user to perform a potentially cumbersome and time-consuming preview/selection process each time the whiteboard is oriented. (*Final Office Action*, Page 3).

Applicant respectfully submits that the modification suggested by the Examiner would not have been obvious. The motivation for the modification suggested by the Examiner is unsound. The Examiner suggests that one of ordinary skill in the art would have replaced Steps 2-4 with a default orientation because the steps are “burdensome” and “time-consuming”. Steps 2-4, however, require the user to click a selection and click the “Next” button. These steps could be easily accomplished by a first time user in merely a matter of seconds. Clearly, Steps 2-4 are not “burdensome” or “time-consuming”. Indeed, it is customary for software programs to have features a user must select during start-up of a program. Therefore, one of ordinary skill in the art would not have considered Steps 2-4 to be unduly “burdensome” and “time-consuming” and been motivated to remove them.

Contrary to the Examiner’s conclusion, the goal of making a program less burdensome and time-consuming would motivate one of ordinary skill in the art **not** to remove Steps 2-4. Setting a default orientation level would save time only for users who would have selected the default orientation. Further, this time savings would only be marginal. All other users who desire an orientation different from the default would be faced with the task of navigating toolbars or menus to select the appropriate orientation level. The time it would take these users to change the orientation level would outweigh the negligible time savings to users of the default orientation level. Indeed, it would make calibration substantially more difficult to first time users of the program. Consequently, the modification suggested by the Examiner would actually make orienting the whiteboard more “burdensome” and “time-consuming” for users overall. Therefore, one of ordinary skill in the art would have a clear reason **not** to eliminate steps 2-4 from the orientation process of the SMART Board.

For at least these reasons, the Manual fails to disclose, teach, or suggest each and every feature of Claims 46 and 50. Thus, Applicant respectfully submits that Claims 46 and 50 are patentably distinct from the cited references, and are in condition for immediate allowance. Claims 47-49 and 51-53 are also believed to be in condition for allowance at least due to their dependence upon Claims 46 and 50, respectively, and further recited features.

## **II. Fees**

This *Response* is filed within two months of the *Final Office Action* with no additional claims. Thus, Applicant believes that no fees are presently due with this *Response*. The Commissioner, however, is expressly authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

## **III. Conclusion**

This *Response* is believed to be a complete response pursuant to 37 CFR § 1.121. Applicant respectfully submits that after entry of this *Response* the Application is fully in condition for allowance. The Examiner is invited to contact the undersigned should any other issues remain prior to the allowance of this Application. Early and favorable action is respectfully requested.

Respectfully submitted,

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### **Certificate of Transmission:**

I certify that this correspondence is being submitted by e-filing to the U.S. Patent and Trademark Office in accordance with §1.8 on April 10, 2008, via the EFS-Web electronic filing system.

/Filip A. Kowalewski 60026/

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**11 APRIL 2008**